

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

16-CR-6084L

v.

SCOTT T. WILBERT,

Defendant.

Defendant Scott T. Wilbert (“Wilbert”) pleaded guilty to charges relating to child pornography and was sentenced pursuant to a Plea Agreement principally to 180 months imprisonment. The sentence was agreed to under FED. R. CRIM. PROC. 11(c)(1)(C).

Thereafter, Wilbert moved to vacate the conviction and judgment under 28 U.S.C. § 2255. This Court denied the motion in all respects in a 15-page Decision filed on June 27, 2022 (Dkt. #137).

Wilbert then filed a motion for reconsideration and for appointment of counsel (Dkt. #138).


I have reviewed Wilbert’s motion for reconsideration. There is nothing in that motion that warrants reconsideration of the Court’s Decision denying the Section 2255 motion.

The basis for the original Section 2255 motion was the alleged ineffective assistance of trial counsel. This Court examined the several claims and found all to be without merit. The motion for reconsideration fails to suggest anything constituting ineffective assistance of counsel.

CONCLUSION

Defendant Scott T. Wilbert's motion for reconsideration (Dkt. #138) and for appointment of counsel (Dkt. #138) is in all respects DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer". The signature is fluid and cursive, with the first name "David" and last name "Larimer" clearly legible. It is positioned above a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
August 10, 2022.